

# Notice of Allowability

Application No.

09/990,428

Examiner

Kevin M Bernatz

Applicant(s)

IWATA ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to afterfinal filed 4/11/05.
2. ☒ The allowed claim(s) is/are 18,20,21 and 23-25.
3. ☒ The drawings filed on 19 October 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Election/Restriction***

1. This application is in condition for allowance except for the presence of claims 17 and 19 to an invention non-elected without traverse. Accordingly, claims 17 and 19 have been cancelled.

***Reasons for Allowance***

2. The present claims are deemed allowable over the reference U.S. Patent 6,352,765 since the reference is commonly assigned and a terminal disclaimer has been filed to obviate the obviousness-type double patenting rejection.

3. The present claims are deemed allowable over the references Aratani and Fujii et al. since the above references fail to disclose or render obvious the claimed structural and functional limitations.

Aratani discloses a magneto-optic (MO) recording medium comprising a first, second and third magnetic layer meeting applicants' claimed magnetization, wall coercivity and wall mobility limitations, as well as the limitation directed to the movement of the domain wall outside the light beam rear spot. However, Aratani accomplishes the claimed functional limitation regarding the movement of the domain wall outside the light beam rear spot by utilizing a fourth magnetic layer located between first and second magnetic layers, which is excluded by the presently claimed limitations. The prior art of record fails to teach or render obvious the presently claimed limitations given that Aratani requires the fourth magnetic layer in order to accomplish the claimed functional limitation.

Fujii et al. disclose a MO recording medium comprising a first, second and third magnetic layer meeting the relative limitations in wall coercivity and wall mobility, as well as being perpendicularly magnetized films. Fujii et al. further disclose that movement of the domain wall outside the light beam rear spot can be prevented by controlling the length of the recording mark and optimization of the Curie temperature of the third magnetic layer. Fujii et al. is silent regarding the wall coercivity of the first magnetic layer at room temperature, as well as silent regarding whether the first magnetic layer has a compensation temperature. While Aratani teaches an embodiment having a wall coercivity meeting the claimed limitation, as well as teaching that the first magnetic layer *could* possess a compensation temperature, Aratani provides no motivation to modify the first magnetic layer of Fujii et al. to (1) possess a wall coercivity at room temperature meeting applicants' claimed magnitude, (2) utilize a composition possessing a compensation temperature, and (3) optimizing the compensation temperature to a range of not lower than a Curie temperature of the second magnetic layer. Therefore, the present claims are neither anticipated nor rendered obvious by the prior art of record since there is not sufficient specificity to motivate one of ordinary skill to arrive at the claimed combination of limitations.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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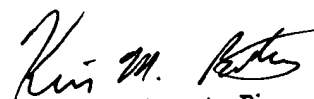
**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M Bernatz whose telephone number is (571) 272-1505. The examiner can normally be reached on M-F, 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMB  
April 23, 2005

  
Kevin M. Bernatz, Tl.  
Primary Examiner